

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 2009-514-W**

IN RE: Petition of the Office of Regulatory )	REVISED PETITION OF THE OFFICE OF
Staff for a Declaratory Order )	REGULATORY STAFF FOR AN
Against Robert Burgess, Maria )	ORDER REQUIRING CERTIFICATION
Brewington, and/or Burgess Glen )	AS A WATER UTILITY AND
Mobile Home Park Requiring )	POSTING OF A PERFORMANCE BOND
Certification as a Water Utility and )	
the Posting a of Performance Bond )	

The Office of Regulatory Staff, by filing this petition, would respectfully show and request of the Commission:

1. That the Public Service Commission of South Carolina (“the Commission”) is a state agency with its business offices located in Columbia, South Carolina and that the Commission is responsible for the regulation of water and wastewater utilities operating for compensation as set forth in S.C. Code Ann. § 58-5-10 et seq. (Supp. 2008), and that the Office of Regulatory Staff (“ORS”) is a state agency charged with the duty to represent the public interest pursuant to S.C. Code Ann. § 58-4-10 (Supp. 2008), *et seq.* and to make inspections, audits, and examinations of public utilities regarding matters within the jurisdiction of the Commission.

2. That upon information and belief Burgess Glen Mobile Home Park and/or Robert Burgess and/or Maria Brewington (“Respondent(s)”) is the owner/operator of a public well system providing water service to approximately 27 residential customers in the Quail Hollow Subdivision located in Sumter, South Carolina.

3. That Respondent(s) is providing service to the residents of the Quail Hollow Subdivision (herein “customers”) for compensation and the rates charged for water service by Respondent(s) have not been established, approved, or reviewed by the Commission.

4. That the water system owned and operated by Respondent(s) meet the definition of a “public utility” as that term is defined in S.C. Code Ann. § 58-5-10(4) in that it is a “corporation or person furnishing or supplying in any manner gas, heat (other than by means of electricity), water, sewerage collection, sewerage disposal....to the public, or any portion thereof, for compensation.”

5. That Respondent(s) and the water system which it operates are not certificated by the Commission as a public utility lawfully authorized to provide, supply, or furnish water service for compensation in the State of South Carolina. As an uncertificated water company, Respondent(s) has never filed any of the documents, bonds, reports, or other instruments required of such companies under South Carolina law with either the ORS or the Commission.

6. That upon information and belief, the water system serving the Quail Hollow Subdivision is owned and operated by Robert Burgess and/or Maria Brewington. Currently, the water system is serving approximately 27 customers in the Quail Hollow Subdivision. The Respondent(s) did not seek the Commission’s approval for the schedule of rates and fees charged to the customers.

7. That the Commission has jurisdiction over Respondent’s water system pursuant to S.C. Code Ann. § 58-5-10 et seq. (Supp. 2008). Further, although Respondent(s) has not consented to jurisdiction of the Commission, the Commission has the right, before the granting of authority or consent to any water or sewer utility regulated by the Commission for the operation, maintenance, or acquisition of any facility or system, to prescribe that the utility file with the Commission a bond with sufficient surety payable to the Commission and conditioned

upon the provision by the utility of adequate and sufficient service. S.C. Code Ann. § 58-5-720 (Supp. 2008). If the Commission finds that Respondent(s) is operating the water system serving the Quail Hollow Subdivision for compensation it is then, by statutory definition, a “public utility” and subject to the jurisdiction of this Commission. S.C. Code Ann. § 58-5-10(4).

8. That, therefore, Respondent(s), or the Burgess Glen Mobile Home Park water system owned and operated by Respondent(s), must apply to the Commission for a Certificate of Public Convenience and Necessity to operate this system. Further, Respondent(s) must have the rates and fees charged to the customers of these systems approved by the Commission under the authority granted to the Commission under S.C. Code Ann. § 58-5-210 (1976). Additionally, Respondent(s) must provide to the Commission a performance bond under the provisions of S.C. Code Ann. § 58-5-720 and such other information and reports as the Commission deems necessary.

**WHEREFORE**, the ORS prays that the Commission:

1. Inquire into the ownership of the system supplying water service to Quail Hollow Subdivision.
2. If the water system supplying and providing water service to Quail Hollow Subdivision in Sumter County is found to be a public utility under S.C. Code Ann. § 58-5-10 *et seq.*, order Respondent(s) or such other proper person or entity to:
  - (a) apply pursuant to 26 S.C. Code Ann. Regs. 103-704 (Supp. 2008) for a Certificate of Public Convenience and Necessity to operate the facilities,
  - (b) provide a bond pursuant to S.C. Code Ann. § 58-5-720 and that such bond be in an amount as required under 26 S.C. Code Ann. Regs. 103-712.3.1 (Supp. 2008), and

(c) seek approval of rates to be charged for the provision of the utility services.

3. Order Respondent(s) or such other identified and properly certificated owner/operator of Burgess Glen Mobile Home Park water supply and distribution system, to comply with Commission rules and regulations and file information identifying the Authorized Utility Representative of that company and to file annual reports with the Commission as mandated by 26 S.C. Code Ann. Regs. 103-712.1 (Supp. 2008).

4. Order Respondent(s) or such other identified and properly certificated owner/operator of the Burgess Glen Mobile Home Park water system to cease charging Respondent's current rates and fees.

5. Order Respondent(s) or such other identified and properly certificated owner/operator of the Burgess Glen Mobile Home Park water systems to file an application for a rate case seeking approval of rates pursuant to 26 S.C. Code Ann. Regs. 103-703 (Supp. 2008) or upon Respondent(s) filing an establishment case to establish a new utility.

6. Order any additional action or relief which the Commission may deem necessary.

Shealy Boland Reibold  
Shealy Boland Reibold, Esquire  
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January 12, 2010  
Columbia, South Carolina

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2009-514-W**

IN RE:	)	
Petition of the Office of Regulatory Staff for a	)	<b>CERTIFICATE OF</b>
Declaratory Order Against Robert Burgess, Maria	)	<b>SERVICE</b>
Brewington, and/or Burgess Glen Mobile Home	)	
Park Requiring Certification as a Water Utility	)	
and the Posting of a Performance Bond	)	

This is to certify that I, Chrystal L. Morgan, an employee with the Office of Regulatory Staff, have this date served one (1) copy of the **REVISED PETITION** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

Burgess Glen Mobile Home Park and/or Robert Burgess and/or Maria Brewington  
PO Box 607  
Sumter, SC 29151-0607

  
Chrystal L. Morgan

January 12, 2010  
Columbia, South Carolina